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November 1, 2021

VIA ELECTRONIC FILING

The Honorable Lorna G. Schofield
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

**Re: Erdman v. Victor
Index No.: 20cv4162**

Dear Judge Schofield:

This letter is written in accordance with the Civil Case Management Plan and Scheduling Order and serves as a joint status report on the case.

The parties exchanged requests for documents and interrogatories on October 4th and October 15th, respectively. The responses to the requests for documents are due November 4th and the responses to the interrogatories are due November 14th. The parties have met and conferred regarding each others productions.

Plaintiff's First Amended Complaint was dismissed via the Opinion and Order of the court dated June 17, 2021. Leave was granted for him to file a Second Amended Complaint on August 18, 2021, which he did later that day. Defendant filed a motion to dismiss the Second Amended Complaint on September 23, 2021. This motion has been fully briefed as of October 22, 2021 and currently awaits the decision of the court.

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Plaintiff on October 26th requested leave, via letter, to file a motion for sanctions against the Defendants. Defendant filed a response on October 31st and the Court ruled on the Motion on November 1, 2021.

On October 18th, Plaintiff noticed Defendant's deposition for November 17th. Defendant has stated that he is unable to appear on that date. Plaintiff requested that Defendant provide a date prior to the December 6th deposition cut-off but as of the date of this letter no date has been provided.

Additionally, Plaintiff has served four subpoenas for non-party depositions and had one issued for document production. Defendant will be moving to quash and/or modify two of them concerning two of Plaintiff's former co-workers and one to a private investigation firm that conducted investigations into Plaintiff.

Defendant will be making a letter application imminently for a pre-motion conference for those three motions to quash he anticipates making.

Plaintiff requests that the Court schedule a conference to set a date for Defendant's deposition so that it can be held before the case management plans December 6th deposition cut off.

Do not hesitate to contact us with any questions or comments.

Yours faithfully
Polizzotto & Polizzotto, LLC

/s/ Alfred Polizzotto, III
Alfred Polizzotto, III